



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vimla Band Art Unit : 1652
Serial No. : 10/021,368 Examiner : Nashaat T. Nashed
Filed : December 12, 2001
Title : NES-1 POLYPEPTIDES, DNA, AND RELATED MOLECULES AND METHODS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), New England Medical Center Hospitals, Inc. certifies that it is the assignee of the entire right, title, and interest in the above-captioned application by virtue of an assignment from the inventor of her rights in U.S.S.N. 08/467,155 (now U.S. Patent No. 5,736,377) and any and all United States patents granted for the inventions described therein. The above-captioned application is a divisional application of U.S.S.N., 09/605,176, filed June 28, 2000 (now U.S. Patent No. 6,697,657), which is a continuation of U.S.S.N. 09/201,038, filed November 30, 1998 (now U.S. Patent No. 6,153,387), which is a continuation application of U.S.S.N. 08/628,198, filed April 5, 1996 (now U.S. Patent No. 5,843,694), which is a divisional application of U.S.S.N. 08/467,155, filed June 6, 1995 (now U.S. Patent No. 5,736,377). The assignment to New England Medical Center Hospitals, Inc. was recorded in the U.S. Patent and Trademark Office at Reel 007643, Frame 0711 on September 11, 1995.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

8/22/05

Signature

K. Hutchins

Typed or Printed Name of Person Signing Certificate

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,153,387, whereby the patent granted on the above application and U.S. Patent No. 6,153,387 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,153,387.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,153,387 in the event that it later: (i) expires for failure to pay a maintenance fee, (ii) is held unenforceable, (iii) is found invalid, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), (v) has all claims cancelled by a reexamination certificate, or (vi) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,153,387.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$65 for the required fee pursuant to 37 CFR §1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 7/22/05



Edward Schottland
Title: Chief Operating Officer
On behalf of New England Medical Center Hospitals, Inc.

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